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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,145	07/26/2000	HIROMASA OHNO	106868	8067

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EXAMINER

CHRISTMAN, KATHLEEN M

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 09/26/2003

19

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/626,145	Applicant(s) OHNO, HIROMASA	
	Examiner Kathleen M Christman	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 28-40, 43, 44 and 51-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 28-40, 43, 44, and 51-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>16, 18</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

In response to the amendment filed 07/25/2003, claims 1-17, 28-40, 43, 44, and 51-53 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

1. Claims 1-17, 28-40, 43, 44, and 51-53 rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al (US 6064856) in view of Ho et al (US 6398556 B1). Regarding claims 1 and 28, Lee et al discloses a system and method which contains, a trainee (student) terminal which is used for the purpose of providing training material to the user, a manager (teacher) terminal which includes means for reading training material and training results that have been correlated. Lee et al teaches the ability to retrieve only one user's records in col. 9: 29-35 and col. 10: 19-26. Regarding claims 10 and 37, the system functions over a network, which inherently contains a server, web or otherwise, and of which the Internet is inherent. The system includes tests set in the training course for checking the level of understanding of the trainee and the lecture information includes progress information and results of the test, see Figure 3, (claims 2 and 29). The system is additionally capable of determining an "appropriateness" level in that

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the program is capable of tailoring lecture content to the user's needs (claims 3 and 30), see col. 5: 19+. The computer contains means for analyzing the abilities of the users retention of the knowledge through tests, (claims 4 and 31), the quiz results are sent back to the user of the system and training is provided on those areas that the user did not comprehend, (claims 5 and 32), see col. 7: 19-26.

Regarding claims 8 and 35, there are a plurality of educational courses offered, each of which is divided into chapters, which are further divided into sections, and additionally have a quiz following each section and refusing allowing the user to take the next section without reaching a predetermined level of understanding (claims 9 and 36), see figure 10-13. The presentations are created as and displayed as audio-visual, which is inherently the same as a "multimedia presentation", (claims 11, 12, and 38), see col. 6: 14-19. Regarding claims 15 and 43, the teacher is able to explicitly state what the training content for the student will include, see col. 9: 29-35. Claim 20 corresponds in scope to claim 15 and is rejected for the same reasons.

Lee et al fails to explicitly teach a recognizer that "recognizes whether an access is received from the manager of the trainee or not, and provides the aggregate result to the terminal for the manager via the communication line based on the recognition result, as in claims 1 and 28, and similar language in the other independent claims.

Ho et al clearly teaches these limitations, see col. 4: 31-33, and Figure 7A. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the network of Lee et al with the network of Ho et al so as to create a system with broader coverage.

Claims 51-53 recite broader limitations of claims 1 and 28, and are rejected for the same reasons.

Response to Arguments

2. Applicant's arguments filed 07/25/2003 have been fully considered but they are not persuasive. Applicant's argues that neither Lee et al nor Ho et al teach the newly added limitation of "the computer selectively provides the lecture information of the trainee who is managed by the manager from the

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lecture information of a plurality of trainees". This limitation being added to all the independent claims. This limitation essential states the manager of the trainee may request the information of only one of the many trainees. The examiner has shown where this correlation is in the Lee et al reference in the rejection above.

Conclusion


3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen M Christman whose telephone number is (703) 308-6374. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on (703) 308-1327. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.


Kathleen M. Christman


MICHAEL O'NEILL
PRIMARY EXAMINER